



Entered on Docket
September 23, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegle", is written over a horizontal line.

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Ninth Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Part Upon Investment In
The Gess Loan; Except Proof of Claim of
Morris Massry, and Notice of Scheduling
Conference re Morris Massry**

Hearing Date: August 30, 2011
Hearing Time: 10:30 a.m.

The Court having considered the "Ninth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Gess Loan," ("Gess Loan") [DE 8638] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; a response having been filed

1 on behalf of Morris Massry [DE 895`] no other responses to the Objection having been
2 filed; the Court noting on the record that the disallowance of the Claims listed
3 on **Exhibit A** does not affect the direct lenders' right to repayment by the borrower or from
4 the collateral securing the Gess Loan; and good cause appearing:

5 **IT IS ORDERED** that:

6 1. The Objection [DE 8638] is sustained, except for Proof of claim No. 10725-
7 01898 filed on behalf of Morris Massry (the "Massry Claim").

8 2. The claims listed on **Exhibit A** attached, except for the Massry Claim, are
9 disallowed to the extent those claims are based upon an investment in the Gess Loan; and

10 3. A scheduling conference on the Massry Claim 10725-01898 is set for
11 **October 18, 2011 at 1:30 p.m.** and notice is hereby given. .

12
13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15
16 By /s/ John Hinderaker (AZ #018024)

17 Robert M. Charles, Jr.

18 John Hinderaker (*pro hac vice*)

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23 *Attorneys for USACM Liquidating Trust*
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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

_____ No party appeared at the hearing or filed an objection to the motion.

XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: Erika C. Browne, attorney for Morris Massry
appeared telephonically _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

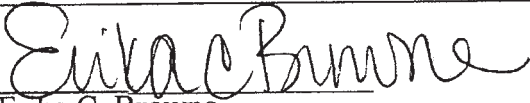
Other Party: Erika C. Browne,
Attorney for Morris Massry

☒ approved the form of this order

☐ disapproved the form of this order

☐ waived the right to review the
order and/or

☐ failed to respond to the document



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Submitted by:
LEWIS AND ROCA LLP
By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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**USACM Trust
6425 Gess, Ltd.
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the 6425 Gess, LTD Loan
10725-00377	10/2/2006	Marchuk, Alexander W & Doreen W	325 Marche Chase Dr Apt 138 Eugene, OR 97401-8894	75,000.00	50,000.00
10725-02178	1/12/2007	Marshall Brecht Trust Dtd 2/5/86	Marshall J & Janet L Brecht Trustees 640 Colonial Cir Fullerton, CA 92835	3,418,022.00	50,000.00
10725-01898	1/9/2007	Massry, Morris	C/O Segel Goldman-Mazzotta & Siegel PC 9 Washington Sq Albany, NY 12205	1,802,040.00	202,933.33
10725-01312	11/13/2006	Michelsen, Gary A	John F Murtha Esq PO Box 2311 Reno, NV 89505	543,373.00	69,998.00
10725-02037	1/11/2007	Miller Trust Dated 8/13/87	Gary I & Barbara Miller Ttees 2832 Tilden Ave Los Angeles, CA 90064	1,111,366.00	50,000.00
10725-01208	11/10/2006	Monighetti, Pete	6515 Frankie Ln Prunedale, CA 93907	1,509,963.55	50,000.00
10725-00221	9/25/2006	Mullin, Elaine	3115 Merrill Dr #37 Torrance, CA 90503	220,000.00	50,000.00
10725-02353	1/16/2007	Musso Living Trust Dtd 11/30/92	Walter & Barbara Musso Ttees 48 Williams Drive Moraga, CA 94556	623,004.79	50,000.00
10725-02085	1/11/2007	Nancy R Davis Defined Benefit Plan	C/O Nancy R Davis Trustee 12291 Prosser Dam Rd Truckee, CA 96161	279,063.50	100,000.00
10725-01923	1/10/2007	O'Riordan, John E & Sonhild A	2745 Hartwick Pines Dr Henderson, NV 89052-7002	3,476,504.52	100,000.00

EXHIBIT A

2452390.1